

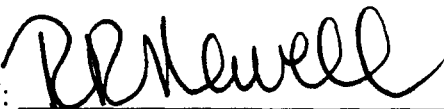
Entered -9-28-00 - sb  
CL 00L0590 - GWENDOLYN BURNS

00-*R*-1762

CLAIM OF: **GERALD B. MORGAN**  
through his attorney,  
**Robert Kenner, Jr.**  
**Attorney at Law**  
**P.O. Box 762**  
**Lithonia, Georgia 30058**

For damages alleged to have been sustained as a result of a false arrest and imprisonment incident on June 16, 2000 at 723 Kennedy Street, NW.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
\_\_\_\_\_  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0590

Date: October 20, 2000

Claimant /Victim GERALD B. MORGAN  
RY: (Atty) (Ins. Co.) Robert Kenner, Jr., Attorney at Law  
Address: P.O. Box 762, Lithonia, Georgia 30058-0762  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ unspecified  
Date of Notice: 9/25/00 Method: Written, Proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5            Ante Litem (6 Mo.)             
Date of Occurrence 6/16/00 Place: 723 Kennedy Street, NW  
Department POLICE Division             
Employee involved M. B. Bizell, A. Jewell Disciplinary Action:           

NATURE OF CLAIM: Claimant alleges that he sustained damages when he was maliciously prosecuted, falsely accused, arrested and imprisoned by Officers Bizell and Jewell. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other X  
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 10-20-00  
Committee Action:            Council Action

Morgan and Mr. Palmer. The officers used expletives and demanded Mr. Morgan and Mr. Palmer raise their hands, which they did.

Officer Bizell placed Mr. Morgan against his (Mr. Morgan) car and proceeded to search him. Officer Jewell approached Mr. Palmer and slammed him against the car, kicked and elbowed him, and forced him to the ground on his knees. Mr. Morgan asked Officer Bizell what was going on and he (Officer Bizell) told Mr. Morgan to shut up and placed Mr. Palmer and him in a patrol car. Officer Bizell accused Mr. Morgan and Mr. Palmer of being drug dealers and standing in a drug zone. Mr. Morgan and Mr. Palmer told the officer they were not drug dealers and they had permission to be where they were.

Mr. Morgan summoned the owner of the property, John McNeil, to come over to speak with the officers. Mr. McNeil was also accused by Sgt. J. W. Cooper of being a drug dealer. When Mr. McNeil attempted to explain to the officer about the car being on his property, he was assaulted by one of the officers and told if he did not press charges against Mr. Morgan and Mr. Palmer, he (Mr. McNeil) would be arrested. Mr. McNeil was also told that if he did not appear in court regarding this incident, he would be arrested.

Mr. Morgan and Mr. Palmer were cited and arrested for criminal trespass. Mr. Morgan and Mr. Palmer remained in jail for two days before they made bond. The charges against them were subsequently dismissed at the preliminary hearing.

Mr. Morgan, Mr. Palmer, Mr. McNeil, and Marc A. Starks filed a complaint with the Atlanta Police Department Internal Affairs. The status of the complaints is unknown at the current time.

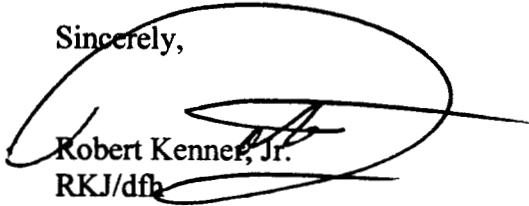
Mr. Morgan and Mr. Palmer were maliciously prosecuted, falsely accused, arrested, and imprisoned. As a result of the actions by the officers, Mr. Morgan and Mr. Palmer have suffered economic loss as well as emotional stress.

Mr. Morgan and Mr. Palmer are entitled to recover for general, specific and punitive damages. The amount claimed is not less than \$10,000.00 each.

Mr. Morgan and Mr. Palmer specifically reserve the right to amend this notice, pursue other theories of liability as more details become available through their investigation or through the litigation of this matter should it becomes necessary.

Please direct all future correspondence to this office and contact me if you have any questions.

Sincerely,



Robert Kenney, Jr.  
RKJ/dfh

00-R-1762

c: Gerald Morgan  
Leroy Palmer